

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

REDDY, ET AL.

Serial No.: **10/759,678**

Filed: **JANUARY 16, 2004**

Title: **"SETTABLE FLUIDS COMPRISING
PARTICLE-SIZE DISTRIBUTION-
ADJUSTING AGENTS AND
METHODS OF USE"**

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Group Art Unit: **1755**

Examiner: **PAUL D. MARCANTONI**


Atty. Docket No: **HES 2003-IP-011937U1**

**Mail Stop RCE
Honorable Commissioner of Patents
Alexandria, VA 22313-1450**

**CERTIFICATE OF FILING ELECTRONICALLY VIA EFS
MPEP 503**

I HEREBY CERTIFY THAT I HAVE A REASONABLE BASIS FOR BELIEF THAT THIS CORRESPONDENCE IS BEING SUBMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE VIA EFS (ELECTRONICALLY) ON THE DATE INDICATED BELOW, AND IS ADDRESSED TO:

MAIL STOP MISSING PARTS
HONORABLE COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450



DEBBIE ALLEN,

AUGUST 17, 2006

DATE OF SUBMISSION: **AUGUST 17, 2006**
ELECTRONIC FILING (EFS)

PETITION TO WITHDRAW TERMINAL DISCLAIMER

Dear Honorable Commissioner:

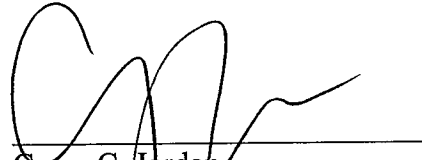
Applicants previously had filed a timely Terminal Disclaimer, with the appropriate fee, along with a prior Response, to overcome a purposed double-patenting rejection. In the Second Office Action, the Examiner indicated that this Terminal Disclaimer was being held in abeyance, pending evaluation by PTO personnel of the propriety of the Examiner's rejection. In the Response to the Second Office Action, Applicants requested withdrawal of the previously filed Terminal Disclaimer. In the Third Office Action, the Examiner failed to address this issue, despite Applicants' request for withdrawal. The Examiner then requested in the Fourth

Office Action that the Applicants must petition to withdraw the terminal disclaimer because it had already been approved.

Applicants hereby petition under the provisions of 37 C.F.R. §1.182 to withdraw the recorded Terminal Disclaimer. The previously filed Terminal Disclaimer was erroneously filed and Applicants therefore wish to nullify the terminal disclaimer.

The Commissioner has been authorized to debit Baker Botts L.L.P. Deposit Account No. 02-0383, Order No. 063718.0359 for the fee of \$400.00 for this request. Applicants believe that there are no additional fees due in association with this filing of this Petition. However, should the Commissioner deem that any fees are due, Applicants respectfully request that the Commissioner accept this as a Petition Therefor, and direct that any additional fees be charged to Baker Botts L.L.P.'s Deposit Account No. 02-0383, Order Number 063718.0359.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Carey C. Jordan', is written over a horizontal line.

Carey C. Jordan
Registration No. 47,646
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Date: August 17, 2006